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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/587,063

07/21/2006

Paul Linhoff

AP 10870

7184

52203 7590 06/22/2009

CONTINENTAL TEVES, INC.
ONE CONTINENTAL DRIVE
AUBURN HILLS, MI 48326-1581

EXAMINER

KING, BRADLEY T

ART UNIT

PAPER NUMBER

3657

MAIL DATE

DELIVERY MODE

06/22/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/587,063	Applicant(s) LINHOFF ET AL.	
	Examiner Bradley T. King	Art Unit 3657	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 10-18 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 10-18 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 21 July 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--------------------------------------------------------------------------------------|-------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. ____. |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Priority

Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 10-18 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 10, 14, 15, 16 and 17 all recite "-type". It is not clear what the addition of the word "-type" is intended to convey. See MPEP 2173.05(b)(E).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 10-14, 16-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kapaan et al (US# 6684988) in view of Beeskow (US# 3035666).

Kapaan et al disclose a braking device including; An electromechanically actuated parking brake for motor vehicles that is designed as a drum brake of the `Duo-Servo` type, the parking brake comprising: a floatingly supported expanding lock (1)

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which is operable by an electromechanical actuator (13) arranged on a wheel carrier, wherein the expanding lock includes a threaded-nut/spindle assembly (2) and the threaded nut (4 or 7) is driven by the electromechanical actuator (13), and of two thrust members (8, 9). Kapaan et al lacks at least one spring element provided in a flux of force between the threaded-nut/spindle assembly and at least one of the thrust members. Beeskow discloses a similar braking device and further teaches a spring element 15 in the flux path to compensate for out-of-round brake drums. It would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize the spring connection of Beeskow in the device of Kapaan to compensate for out-of-round drums, thereby reducing noise and increasing driver comfort.

Regarding claim 11, Beeskow teaches a spring element (15) is arranged between the thrust member (8) and a thrust collar (annular portion of 2).

Regarding claim 12, the elements can be managed together as broadly recited.

Regarding claim 13, Beeskow teaches an axial mounting support 6-7. Several elements (27, 5) of Kapaan can also be considered an axial mounting support as broadly recited.

Regarding claim 14, Beeskow teaches a calotte-type bearing 6-7.

Regarding claim 16, Beeskow teaches a ball (7) and a ball socket (6).

Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kapaan et al (US# 6684988) and Beeskow (US# 3035666), as applied to claim 14 above, in further view of Johannesen et al (US 4850459).

Kapaan and Beeskow disclose all the limitations of the instant claims with exception to an extension extending into the blind bore of the spindle 6. Johannessen et al disclose a similar device and further teach extension elements 204 extending into blind bores 199. It would have been obvious to one of ordinary skill in the art at the time the invention was made to allow an extension of the bearing of Kapaan and Beeskow to extend into the blind bore of spindle 6, as taught by Johannesen et al, to allow a compact device with greater radial stability of the thrust members.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Shirey and Woodward.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bradley T. King whose telephone number is (571) 272-7117. The examiner can normally be reached on 11:00-7:30 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Siconolfi can be reached on (571) 272-7124. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Bradley T King/
Primary Examiner, Art Unit 3657

BTK